

MONTANA LEGISLATIVE HISTORY

Chapter 561 19 81

Bill H 336 S _____ Original bill & history ✓ C

H. Committee on Judiciary

Hearing Date(s) 2-13 _____ C

_____ C

_____ C

Free Conf: 4-10 ✓ C

Date Out _____ C

S. Committee on State Admin

Hearing Date(s) 3-19 ✓ C

_____ C

_____ C

_____ C

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

OCTOBER 1 FOLLOWING APPROVAL.

INTRODUCED: 1/19

REFERRED TO COMMITTEE ON JUDICIARY: 1/19

REPORT: DO PASS AS AMENDED, 1/28

ON MOTION, PASSED CONSIDERATION FOR THE DAY: 1/31

2ND READING: 2/2 YEAS: 80; NAYS: 15

3RD READING: 2/4 YEAS: 86; NAYS: 11

TRANSMITTED TO SENATE: 2/4

REFERRED TO COMMITTEE ON JUDICIARY: 2/5

HEARING: 3/4

REPORT: 3/4, BE CONCURRED IN

2ND READING: 3/7, BE CONCURRED IN

3RD READING: 3/9, YEAS: 44; NAYS: 0

RETURNED TO HOUSE: 3/9

TRANSMITTED TO GOVERNOR: 3/14

ACTION: SIGNED, 3/17

CHAPTER 73

HB 336—KANDUCH, D. BROWN, CONROY, ET AL—TO PROHIBIT SOLICITATION
WITHIN OR AT THE ENTRY OF ANY POLLING PLACE.

INTRODUCED: 1/19

REFERRED TO COMMITTEE ON JUDICIARY: 1/19

HEARING: 2/13

REPORT: DO PASS, 2/13

ON MOTION, 2/17, TAKEN FROM 2ND READING AND REREFERRED TO
COMMITTEE ON STATE ADMINISTRATION.

ON MOTION, 2/18, TAKEN FROM COMMITTEE ON STATE ADMINISTRATION
AND PUT BACK ON 2ND READING.

2ND READING: 2/20, YEAS: 59; NAYS: 39

3RD READING: 2/24, YEAS: 61; NAYS: 38

TRANSMITTED TO SENATE: 2/24

REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 3/2

HEARING: 3/19

REPORT: 3/25, BE CONCURRED IN, AS AMENDED

2ND READING: 3/27, YEAS: 30; NAYS: 12

3RD READING: 3/30, YEAS: 34; NAYS: 14

RETURNED TO HOUSE WITH AMENDMENTS: 3/30

2ND READING: 4/8, BE NOT CONCURRED IN MOTION,

YEAS: 56; NAYS: 41

REFERRED TO CONFERENCE COMMITTEE: 4/8

CONFERENCE COMMITTEE DISSOLVED AND REFERRED TO FREE CONFERENCE
COMMITTEE: 4/10

FREE CONFERENCE COMMITTEE REPORT NO. 1: 4/10

HOUSE

2ND READING: 4/11, YEAS: 63; NAYS: 24

ON MOTION, 4/11, RULES SUSPENDED, PLACED ON 3RD READING

3RD READING: 4/11, YEAS: 66; NAYS: 17

SENATE

2ND READING: 4/15, BE CONCURRED IN

3RD READING: 4/16, YEAS: 49; NAYS: 0

TRANSMITTED TO GOVERNOR: 4/23

ACTION: SIGNED, 4/29

CHAPTER 561

1 HOUSE BILL NO. 336
 2 INTRODUCED BY Senator Dan Brown Courtesy
 3 Manuel Dail
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT
 5 SOLICITATION WITHIN OR AT THE ENTRY OF ANY POLLING PLACE;
 6 AMENDING SECTION 13-35-218, MCA."
 7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 13-35-218, MCA, is amended to read:

10 "13-35-218. Coercion or undue influence of voters. (1)

11 No person, directly or indirectly, by himself or any other
 12 person in his behalf, in order to induce or compel a person
 13 to vote or refrain from voting for any candidate, the ticket
 14 of any political party, or any ballot issue before the
 15 people, may:

16 (a) use or threaten to use any force, coercion,
 17 violence, restraint, or undue influence against any person;
 18 or

19 (b) inflict or threaten to inflict, by himself or any
 20 other person, any temporal or spiritual injury, damage,
 21 harm, or loss upon or against any person.

22 (2) No person who is a minister, preacher, priest, or
 23 other church officer or who is an officer of any corporation
 24 or organization, religious or otherwise, may, other than by
 25 public speech or print, urge, persuade, or command any voter

1 to vote or refrain from voting for or against any candidate,
 2 political party ticket, or ballot issue submitted to the
 3 people because of his religious duty or the interest of any
 4 corporation, church, or other organization.

5 (3) No person may, by abduction, duress, or any
 6 fraudulent contrivance, impede or prevent the free exercise
 7 of the franchise by any voter at any election or thereby
 8 compel, induce, or prevail upon any elector to give or to
 9 refrain from giving his vote at any election.

10 (4) No person may, in any manner, interfere with a
 11 voter lawfully exercising his right to vote at an election
 12 so as to prevent the election from being fairly held and
 13 lawfully conducted. No person may obstruct the doors or
 14 entries of any polling place or engage in any solicitation
 15 of signatures for ballot issues within or at the entry of
 16 any polling place."

-End-

INTRODUCED BILL

-2-

HB 336

JUDICIARY

COMMITTEE

47th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
315	Providing that an escape from a halfway house, life skills center, or furlough placement constitute felony escape.	1/19/81	Gould	1/28/81	Do Pass 1/28/81	1/28/81
316	To substitute the Dept. of Institutions for the Board of Parsons with regard to jurisdiction over certain prisoners.	1/19/81	Gould	1/28/81	Do Pass and Place on Consent Calendar 1/28/81	1/28/81
317	To allow the Dept. of Institutions to issue warrants of arrest and return of persons who abscond from furlough or community placements.	1/19/81	Gould	1/28/81	Do Pass 1/29/81	1/29/81
335	To change the effective date of an initiative, constitutional amendment, or referendum to October 1 following approval.	1/19/81	Kanduch, Brown, Conroy, et al.	1/28/81	Do Pass as Amended 1/28/81	1/28/81
336	To prohibit solicitation within or at the entry of any polling place.	1/19/81	Kanduch	2/13/81	Do Pass 2/13/81	2/13/81
337	To authorize GVW Personnel to arrest for violations of motor vehicle registration, etc.	1/19/81	Kanduch	2/4/81	Do Pass as Amended 2/5/81	2/5/81

MINUTES OF THE MEETING OF THE JUDICIARY COMMITTEE
February 13, 1981

The meeting was called to order by Vice-Chairman Carl Seifert at 8:00 a.m. in Room 437 of the Capitol. Rep. Keyser and Rep. Anderson were excused from the meeting.

HOUSE BILL 336 REP. KANDUCH, chief sponsor, stated this was an act to prohibit solicitation within or at the entry of any polling place to gather signatures for petitions. REP. KANDUCH stated when he has gathered signatures he announced the place and time where he would be with the petition. People then knew he would be at a specified place so they could either come sign the petition or avoid him. REP. KANDUCH does not feel the voting place is appropriate for petition signing. The petitioner should be across the street from the polling place or at a store (with the store's permission) to gather the signatures. Initiatives are being abused. If enough signatures are gathered and the initiative is on the ballot it can become law. People should not be bothered while going to vote.

ALLEN SHUMATE believes this is a good bill. We should stop the harassment at the polling place. Signatures should be worked for by going door-to-door.

DAVE JOHNSTON, WETA, and Operating Engineers, supports this bill.

KEITH ANDERSON felt that petitioners should be across the street from the polling place. Voting should be a pleasant experience.

FOREST BOLES, Montana Chamber, stated many calls have come into his office concerning this subject. Petitioners should be forced to go door-to-door like the candidates do.

MARILYN GROSFIELD supports the bill. EXHIBIT 1.

DONALD JOHANNSEN stated most people who listen to the radio, tv or read the paper only see one side of an initiative. There is another side that is not presently fairly. It should be left to the judgment of the people. JOHANNSEN agrees with this bill.

There were no further proponents.

CAROL BRASS, Citizens Legislation Coalition, stated there are pros and cons that could be battled around on this subject. The Attorney General was asked to give his opinion on the subject. It was stated it does not violate the law. Section 13-13-122, MCA, lists preventing obstructions that allows clearing of the passageway to prevent any obstruction including the arrest of the person if necessary. BRASS gave EXHIBITS 2 and 3.

MIKE MALES, C.I.C. stated 45,000 Montana voters signed petitions

at polling places this last election. The function of the petitioner is to allow people to sign if they are interested. In 1980 about 80% of the people who were approached signed petitions. MALES urged do not pass because the voters should make the decision whether to sign or not.

TONI MCOMBER, Montana Education Association, stated the board of directors of the MEA opposes the bill. Teachers feel this bill would limit their rights to petition government. MCOMBER stated her own experience is when the person petitions, their main interest is not to harass the voter. If they do it will be discovered. It is in the best interest of petitioners to be courteous and not harassing. The initiative process should be stopped instead of the petitioning.

ALAN OSBTY, Common Cause, stated the proponents have a strong argument that the polling place is sacred, however, it is a constitutional right to petition. People who try to collect signatures would not harass people if they were trying to obtain signatures. In REP. KANDUCH's district over 1,000 signatures were collected last election day.

There were no further opponents.

In closing, REP. KANDUCH stated the bill is not to stop or obstruct gathering of petitions. It merely says they cannot do it at the polling place on election day. The rights are not taken away. The Attorney General has been proven wrong before. If people want to petition they should go to stores and ask permission to be in front of the store.

REP. SHELDEN asked if grocery stores allow this. REP. KANDUCH replied they do if permission is asked before hand and if the flow of the traffic is not disrupted. REP. SHELDEN asked if bell ringers at Christmas time were considered as harassing. REP. KANDUCH replied yes, it does harass him. He does not like to be bothered when walking down the street.

REP. CONN stated the tax indexing initiative was vetoed by the governor. REP. KANDUCH stated that was the one place where it worked like it should.

REP. HANNAH asked about subsection 2. REP. KANDUCH stated that is present law.

REP. EUDAILY asked what statistical proof is available that 80% signed petitions. MALES stated he was at a polling place and it averaged 80% signed. REP. EUDAILY asked if this would hold true statewide. MALES stated it was the general concensus. A tally was not drawn up.

REP. HANNAH asked if the initiative law states the person signing must read the complete initiative. MALES replied no, it just certifies they have not signed another one.

REP. KEEDY stated last year when he was preparing to go door-to-door with a petition it began to rain. Instead he spent the day in the post office gathering signatures. Would there be any problems with that? REP. KANDUCH stated no, as long as the postmaster approved. REP. KEEDY stated the polls would be the only place you could not petition. REP. KANDUCH replied nobody has asked to be at the polling places. They just come and set up tables.

REP. KEEDY asked if this requires someone who has a petition to get permission. REP. KANDUCH replied not at the polling place. REP. KEEDY stated in 13-13-132 it states just so they are not obstructing traffic. REP. KANDUCH stated most people do not know what that is. It must be in plain language.

REP. HUENNEKENS asked where the polling place begins. Sometimes when voting in a school the voter has to walk down corridors to get to the voting room. REP. KANDUCH replied the voting place begins right when the voter comes off the street.

REP. CURTISS asked the wording on petitions. MALES replied it is the same on every petition stating you did not sign any other petition relating to the subject.

REP. CURTISS asked if it is difficult to throw someone out who is obstructing the voters. GROSFIELD stated the petitioners being there is harassment. In a city such as Helena it might be easy to ask them to leave but in a town such as Big Timber hard feelings might result.

REP. CURTISS asked about rules for judges. GROSFIELD replied there is a judges handbook which lists instructions. There is no mention of the possibility of people setting outside that the judge can or cannot give permission to.

REP. CONN asked why is it different to have petitioners at the stores compared to the polling place. GROSFIELD stated if she is walking down the street she can avoid going into a store. But on election day, she has to go in to vote.

REP. TEAGUE asked if MALES would object to a committee bill stating that each person must read an initiative before signing it. MALES had no objection.

There was no further discussion on House Bill 336.

and the title. Following line 7 strike "TIME FOR NOTICE;" on line 8 and in the title. Strike line 9 in its entirety and amend the title. On page 1, lines 13 through line 24 on page 4, strike sections 1 through 5 in their entirety and renumber subsequent sections.

A roll call vote resulted on the substitute amendment. Those voting yes were: SEIFERT, CONN, MATSKO, DAILY, ABRAMS, HUENNEKENS, SHELDEN, KEEDY, YARDLEY, and BROWN. Those voting no were: MCLANE, BENNETT, CURTISS, HANNAH, IVERSON and TEAGUE. The amendment carried 10 to 6.

REP. BROWN moved do pass as amended.

REP. BROWN did not believe the suits are brought for harassment purposes. REP. IVERSON replied the IRS has been doing that for years. It is the same principle.

A roll call vote resulted on the motion do pass as amended. Those voting yes were: DAILY, HUENNEKENS, KEEDY, YARDLEY and BROWN. Those voting no were: SEIFERT, BENNETT, CONN, CURTISS, EUDAILY, HANNAH, IVERSON, MATSKO, MCLANE, ANDERSON, ABRAMS, SHELDEN and TEAGUE. The motion failed 13 to 5.

REP. MATSKO moved to reverse the vote. Those voting yes for do not pass were: SEIFERT, BENNETT, CONN, CURTISS, EUDAILY, HANNAH, IVERSON, MATSKO, MCLANE, ANDERSON, ABRAMS, SHELDEN and TEAGUE. Those voting no were: DAILY, HUENNEKENS, KEEDY, YARDLEY and BROWN. The motion carried 13 to 5.

House Bill 590 did not pass as amended.

HOUSE BILL 336 REP. DAILY moved do pass.

REP. KEEDY stated there would be serious mistakes to pass the bill. There are statutes in the books already that govern this. The real objective of the bill is to "gut" the initiative process. REP. CONN supported KEEDY's statement.

REP. HUENNEKENS stated there is a problem with the question where does the polling place being, on the street, in the building or on the steps?

REP. DAILY disagreed with REP. KEEDY's remarks. The sponsor was not trying to "gut" the initiative process. REP. DAILY strongly supports the initiative process and is in favor of the bill. He has been harassed by people at the polls with these initiatives. When you go to the polls you go to vote.

REP. CURTISS thought people had to read the entire initiative

before signing a petition. It was stated they do not. JIM LEAR read 13-27-204, petition for initiatives. It is clear the signer does not have to be required to read the entire initiative.

REP. TEAGUE was in support of the bill. If the initiative subject is good they will obtain enough signatures regardless of where the petitioner is.

REP. SHELDEN stated people on the street corner at Christmas time would be considered as harassing. REP. CONN stated harassment would include candidates going door-to-door.

REP. DAILY stated there are different types of harassment. When a voter goes to the polls he should not be subjected to harassment. Senior citizens especially are harassed more than anyone else.

The motion of do pass resulted in a roll call vote. Those voting yes were: SEIFERT, BENNETT, CURTISS, EUDAILY, HANNAH, IVERSON, MATSKO, MCLANE, DAILY, ABRAMS, TEAGUE and BROWN. Those voting no were: CONN, HUENNEKENS, SHELDEN, KEEDY and YARDLEY.

House Bill 336 passed 12 to 5.

HOUSE BILL 658 REP. HUENNEKENS moved do pass.

REP. HUENNEKENS moved on line 13, page 1 "7th" be stricken.
REP. HUENNEKENS withdrew his motion.

REP. HUENNEKENS moved the individual elected shall be located in Sidney. REP. HANNAH stated there are four county seats within that district. If one county grows they might request a judge there at another time. If his homebase is not distinguished he can go with the population.

A roll call vote resulted. Those voting yes that the judge should be located in Sidney were: BENNETT, CONN, CURTISS, DAILY, KEEDY, HUENNEKENS and TEAGUE. Those voting no were: SEIFERT, HANNAH, IVERSON, MATSKO, MCLANE, ABRAMS, SHELDEN, YARDLEY and BROWN. The amendment failed 9 to 7.

It was decided to hold the bill until the next meeting for completion.
The meeting adjourned at 11:20 a.m.



CARL SEIFERT, VICE-CHAIRMAN

EXR 1

Mr. Chairman - Members of the Committee

My name is Marilyn Grosfield from Big Timber and I'm the Chief Election Judge from Precinct 4 in Sweet Grass County. I am here in favor of HB 336 because I believe that soliciting signatures at a polling place on an election day constitutes harrassment of the public. I feel that it is intimidating to be asked to sign a petition against my will, but which I will sign because a friend or business associate asks me to do so in a public place where I have come to perform my voting right. This did occur during the last year at a voting place in Big Timber and it was met with anger and distaste.

The sanctity of the polling place should not be violated. The possibility of a dozen card tables set up at a polling place manned by petitioners trying to get my attention and explain to me why I should sign their petition is disruptive, inconsiderate and intolerable. We live in a community of elderly retired people who's main goal on election day is to get to the polls and remember what it is they went there to vote for in the first place. To be confronted by the confusion of signature seekers would certainly undo them.

It's difficult enough to run a smooth election as it is, without inflicting the problems caused by this excessive harrassment. I urge the committee to pass this bill. Thank you.

EX-1000 2

The Attorney General Of Montana was asked by Senator Stan Stevens to give his opinion on the practice of gathering signatures at the polling place. He stated that signature gathering did not violate the "electioneering laws". He also stated that the voting process was protected from obstruction and voters protected from harrassment by section 13-13-122, MCA. He further stated that banning signature gathering at the polls raises serious First Amendment questions.

Such a ban not only violates the U.S. Constitution, but also the Montana Constitution. When the Initiative and Referendum were enacted in 1906, the following words were used in the amendment: "the people reserve to themselves power to propose laws and enact or reject the same at the polls." Proposing laws is done by collecting signatures on initiative petitions. In a democracy all power comes from the people; and when they reserve power for themselves, only they can limit or give up that power.

HC/mk 3/6
Exhibit 3

29 May 1980

Senator Stan Stephens
422 Third Street
Havre, Montana 59501

Dear Stan:

Thank you for your letter regarding the collection of signatures for initiative petitions during the primary election of June 3rd. There are no provisions under Montana law that prohibit gathering signatures at the polling place.

Section 13-35-211, MCA, provides:

ELECTIONEERING. (1) No person may do any electioneering on election day within any polling place or any building in which an election is being held or within 200 feet thereof, which aids or promotes the success or defeat of any candidate or ballot issue to be voted upon at the election.

(2) No person may buy, sell, give, wear, or display at or about the polls on an election day any badge, button, or other insignia which is designed or tends to aid or promote the success or defeat of any candidate or ballot issue to be voted upon at the election.

This statute prohibits political activity which aids or promotes a ballot issue to be voted upon at the election. The gathering of signatures for initiatives proposed for future elections does not violate the provisions of section 13-35-211, MCA.

Your inquiry has constitutional implications. A total ban on the collection of signatures at the polling place raises serious First Amendment questions. However, section 13-13-122, MCA, does allow the local election administrators to prevent obstructions. It has been our position, together with the Secretary of State and the Commissioner of Campaign Practices, that local election administrators have the authority to limit the collection of signatures if that activity creates any obstruction at a specific polling place. Orderly signature gathering which does not interfere with the election process cannot be prohibited.

I hope this letter will clarify your misunderstanding concerning this issue. If you have further comments or questions don't hesitate to contact me.

Very truly yours,

MIKE GREELY
Attorney General

FISCAL NOTE

COMPENSATION
REQUEST NO. 179-77

AMENDED

Form BD-15

Exhibit 4

ance with a written request received April 4, 19 77, there is hereby submitted a Fiscal Note
#B 357 as Amended pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.
and information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members
egislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

act to establish a state-financed program of compensation to persons who suffer bodily injury and to dependents of those who
killed by criminally injurious conduct or in attempts to prevent criminal conduct or apprehend criminals; and to appropriate
ney therefor.

amended version of House Bill 357 shifts the financial burden from the general fund to a specially created crime victims
compensation account in the earmarked revenue fund. The revenue for this earmarked account is derived from a portion of
fines assessed and bails forfeited on all offenses involving a violation of a state statute or a city ordinance relating to the
operation or use of motor vehicles, except offenses relating to parking of vehicles. Six percent of such fines and bail forfeitures
set aside to compensate eligible crime victims.

SUMPTIONS:

- All claims compensated for murder will result in maximum \$25,000 payment being made to dependents.
- Claims rejected and compensation will follow other states' experience with 35% of the claims filed being rejected and
40% compensated with the remainder held, pending various legal and administrative details or closed for other reasons.
- Montana will not experience the doubling of second year claims common to other states' program experience.
- First year start up will reduce the number of claims filed and compensated by 50%.
- Average per case compensation costs will be \$1,200 in 1978, \$1,500 in 1979, and \$1,650 in 1980.
- 40% of those cases carried over to the next year will be compensated.
- 5% of all crime categories will result in claims filed.
- MBCC data is the most reliable information available.

FISCAL IMPACT:

	FY78	FY79	Total
Additional cost of proposed legislation:			
Personal services	\$ 39,126	\$ 40,045	\$ 79,171
Operating expenses	12,000	12,000	24,000
Capital outlay	8,000	0	8,000
Local assistance, grants, benefits and claims	63,600	214,500	278,100
Total additional costs	<u>\$122,726</u>	<u>\$266,545</u>	<u>\$389,271</u>

LOCAL IMPACT:

The setting aside of 6% of the traffic fines and bail forfeitures should not have an adverse effect upon local revenue.
Most generally, the special earmarking of traffic fines and bails do not reduce local revenues because the Justices of the Peace have
authority to set higher traffic fines and bonds to compensate for state earmarking of such fees. Fines and bail forfeitures that are
retained by the county are placed in the general road fund of the county.

Richard L. Drayton
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 4-5-77

John F. Hartman

LONG-RANGE IMPACT:

It appears that the program, if continued, would tend to escalate in cost in
subsequent years.

VISITORS' REGISTER

HOUSE JUDICIARY

COMMITTEE

BILL 336

Date 2/13/81

SPONSOR KANDUCH, ET AL.

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Marcilun Grosfield	Big Timber	SELF	✓	
Alvin Morris	Helena	Retired	✓	
Frank J. Brough	Big Timber	SELF	✓	
David Johnston	Helena	WETA Operating Engineers	✓	
Don O'Hannan	Shelby	self	✓	
Charles Brass	Butte	Citizens Ass. Position		✓
Peter Jackson	Hel	WETA	✓	
Keith Anderson	Helena	Self	✓	
Toni M. Baker	Helena	Post Education Assoc		✓
Al Bales	Helena	Post Chamber	✓	
MIKE MALES	HELENA	E.I.C.		X
ALAN OSTBY	HELENA	CAMPION CRUISE		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

PAGE three

COMMITTEE ON STATE ADMINISTRATION

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO NOT DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
329	2/18	3/11						3/24	
330	2/10	3/9						3/24	
336	3/3	3/19						3/19	
342	2/5	3/5					3/5		
372	2/10	3/18						3/24	
387	2/9	3/3					3/3		As Amended
429	2/20	3/6							3/24
436	3/13	3/19						3/24	
470	2/12	3/5 3/10							3/10
481	2/12	3/9						3/10	
484	2/12	3/5						3/5	
505	2/12	3/5					3/5		
520	2/16	3/18					3/18		
545	3/3	3/9 3/10 & 11						3/10 & 11	
554	3/3		3/3						
565	3/3	3/13						3/24 & 25	

(Use Separate Sheet for Senate, House Bills, and Resolutions)

fiscal year the amount of funds over the amount that had been appropriated would go to the general fund; they want that deleted so that it goes to a revolving fund.

There were no opponents, so questions were asked by the committee. Sen. Kolstad asked Mrs. Harris how much revenue would be involved, and she answered the industry portion would be \$300,000. Two hundred thousand dollars would come from the industry, and the general fund would support the remaining.

Sen. Kolstad asked her what products are sold from the prison ranch, and the answer was meat and dairy products.

Sen. Hammond asked if this would involve the farms that used to be at Boulder, and the answer was no.

Mr. Chisholm said this opens the market provision for the ranch, so that it applies to industry. It is an expansion of the laws that occur in the books. They want to be able to sell to the agencies.

Sen. Ryan wondered if there might be a conflict with the Easter Seal program and was told no.

Sen. Hafferman wondered if it might be unsuccessful like the chicken farm in the past, and Mr. Chisholm guaranteed that the industry program will be a success.

Chairman Story put it into a subcommittee of Senators Ryan and Johnson. The hearing was closed.

CONSIDERATION OF HOUSE BILL 336:

AN ACT TO PROHIBIT SOLICITATION WITHIN
OR AT THE ENTRY OF ANY POLLING PLACE

Rep. Joe Kanduch, sponsor, said this is a simple, forward bill that says exactly what it should say. He believes he should vote and not have to make another decision while he is at the polling place.

PROPOSERS: Bill Hand, Montana Mining Industries, stated that mining was damaged by initiative 84. He feels the average citizen does not take the time to consider the petition when signing, and he feels the polling place is a sacred place.

Keith Anderson, Montana Taxpayers Association, remarked that he is anti-petition only when it comes to be done at the polls.

Proponent Peter Jackson, Western Environmental Association, has been an opponent four times on this bill against petitions at polling places during this legislature. He feels that easy-picking people are preyed upon in one spot, and the polling place should be used for one particular thing. That is to vote only.

Other proponents were Allen Shumate; Margaret Speer, election judge in Lewis and Clark County, finds it disruptive; Don Allen, Montana Trade Association, spoke for his organization and also for the Montana Chamber of Commerce; Gary Langley spoke as a private individual.

OPPONENTS: Mike Males, Environmental Association, said this is an attempt by the state of Montana to restrict petitioning on public property. He stated that 40,000 people signed petitions at polling places in one year without any complaints. He claimed that there is more objection to candidates going door to door. He said the real proponents in this bill, excepting Rep. Kanduch, are people who are against the initiative process in general and not because of it being done at the polls. He feels the present laws are adequate to prevent obstruction and harrassment of the voters.

Belle Winestine, speaking in the interest of fair government, said she has lived in Montana for 90 years and voted for 65 years. She has never been in a voting place where there was any obstruction, and she cannot think of a better time to get in touch with the voters. They should be taking pride in what is going on in the government and need to be informed people.

Carole Brass, Citizens Legislative Coalition, said that sections already in the law take care of any problems. She had recently taken a poll during a tour through Montana, and she found that people do not want the initiative process tampered with.

Other opponents were Edward Dobson, self, enclosed testimony; Don Judge, Montana State AFL-CIO, enclosed testimony; Joe Lamson, Montana Democratic Party, believes the initiative process and the petitions at the polls have increased voter registration; Steve Harper, self, said a democracy believes in intelligence of the people; Alan Ostby, Citizens Coalition, said the initiatives are the citizen's issues, and this bill curtails that; and Tony McOmber, Montana Education Association representative.

Questions: Sen. Ryan asked Mr. Males and Mr. Judge how long has the statutes rules that they could obtain signatures at

the polls, but they said there is nothing that designates authority or prohibition there. Sen. Ryan believes that there is a law. He then asked for examples of abuses by lobbyists, and Mr. Males gave one.

Sen. Hammond asked Ms. McOmber from MEA about their decision. She said the board of directors represents the teachers, had a meeting, and voted to oppose this bill.

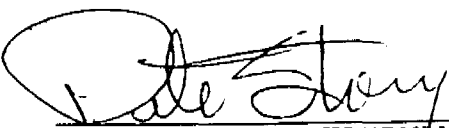
Sen. Story commented that the worst thing the petitioners could do is meet an intelligent person at the polls because he would involve so much time.

In closing Rep. Kanduch said he understood the feelings of the opponents because of their fear of losing their privilege, but the proponents' privacy has been taken away from them.

ACTION ON HOUSE BILL 26: Sen. Hafferman moved it do pass; discussion resulted in an amendment that had been suggested. Sen. Kolstad made a substitute motion to move the amendment; motion carried. The motion was made to DO PASS, AS AMENDED; motion carried by those present.

ACTION ON HOUSE BILL 336: There was discussion by the committee and John Hollow explained the words "obstruct and engaging". He suggested an amendment, combined with the one Sen. Galt had submitted. The amendment was passed, and motion to DO PASS, AS AMENDED was made by Sen. Kolstad; motion carried by unanimous vote of those present. Sen. Galt will carry the bill on the Senate floor.

ADJOURNMENT: 11:10.



PETE STORY, CHAIRMAN

ROLL CALL

STATE ADMINISTRATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 3-19

NAME	PRESENT	ABSENT	EXCUSED
Senator Pete Story, Chairman	✓		
Senator Allen Kolstad, V. C.	✓		
Senator William Hafferman	✓		
Senator H. W. Hammond	✓		
Senator Jan Johnson		✓	
Senator Patrick Ryan	✓		
Senator Thomas Towe		✓	

Each day attach to minutes.

NAME: Don Judge DATE: 3/19/81

ADDRESS: P.O. Box 1176 Helena

PHONE: 442-1708

REPRESENTING WHOM? MT STATE AFL-CIO

APPEARING ON WHICH PROPOSAL: HB 336

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: Prepared testimony left with committee

Secretary



JAMES W. MURRY
EXECUTIVE SECRETARY

Box 1176, Helena, Montana

ZIP CODE 59601
406 442-1708

Room 102 Steamboat Block
6th Helena Ave.

TESTIMONY OF DON JUDGE ON HOUSE BILL 336, BEFORE THE SENATE COMMITTEE ON STATE
ADMINISTRATION, MARCH 19, 1981

The Montana State AFL-CIO is opposed to House Bill 336.

We are opposed to House Bill 336 because it makes it more difficult for the people of Montana to place an initiative on the ballot. When the legislature drags its feet on an important issue, the initiative process is the recourse given to the people by the Montana Constitution. Lobbyist disclosure bills, for example, have been introduced in the legislature in the past, but failed to win approval, even though Montana was one of only four states who did not have such a law. In the 1980 general election, lobbyist disclosure, which appeared as an initiative on the ballot, passed overwhelmingly when four out of five Montana voters approved the measure.

In order to qualify for the ballot, initiative petitions must contain the signature of a qualified elector in substantially the same manner as it appears on the voter registration card, the elector's address, and the elector's precinct number. Many individuals, when approached at their door or on the street, are not able to recall this information accurately. When approached at their polling place, this information is readily available.

If there is concern that the collection of signatures might interfere with an election, MCA 13-35-218(4) already prohibits the obstruction of an election and it is up to local election officials to see that no violation occurs.

House Bill 336 does not protect the voter at the polling place, it simply makes it more difficult for citizens collecting signatures for an initiative and thus makes it more difficult to place an initiative on the ballot. We are opposed to any legislation which weakens this constitutional right.

COMMITTEE ON

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
JS Hanson	MT Technical Council	HB-26	✓	
Peter Jackson	Wells	HB 336	✓	
Allen Skumate	Rel. Tr. &	HB 336	✓	
Margaret M. Speer	Housewife - Election judge	HB 336	✓	
John Skumate	Rel. Tr. &	HB 336		
Blanche	Common Law	HB 336		✓
Steve Harper	self	HB 336		✓
Ed Dobson	self	HB 336		✓
Patricia	dept. of highway	HB 26	(Handwritten)	
CJ CHISHAM	DET OF INSTITUTIONS	HB 336	X	
Sandra Harris	D of I	HB 336	X	
Brian J. Winestine	self	HB 336		✓
Jessie Remington	Secretary of State	HB 336		
Bill Hand	MT. Mfg. Assoc	HB 336	✓	
Don Allen	MT. Ref. Assoc.	HB 336	✓	
Mary Wilham	self	HB 336		✓
Buck Bdos	MT. Chamber of Commerce	HB 336	✓	
Toni McOmber	Montana Education Assoc	HB 336		✓
Keith Anderson	Montana Unions Assoc	HB 336	✓	
Harry Langley	Self	HB 336	✓	
Edm. Judge	MT STATE AFL-CIO	HB 336		X
Joe Lamson	MT. DEMOCRATIC PARTY	HB 336		✓
Circle Brass	Citizens Legislative Coalition	HB 336		✓

STANDING COMMITTEE REPORT

MARCH 19 1981

MR. PRESIDENT

STATE ADMINISTRATION

We, your committee on

HOUSE

336

having had under consideration Bill No.

KANDUCE (GALT)

HOUSE

336

Respectfully report as follows: That
, third reading copy, be amended as follows:

1. Page 2, line 13.
Following: "conducted."
Insert: "(5)"

2. Page 2, line 14.
Following: "place"
Strike: "or engage in any solicitation"
Insert: ". Solicitation"

3. Page 2, line 15.
Following: "issues"
Insert: "or for any other purpose"
Following: "within"
Insert: "any polling place"
Following: "or"
Strike: "at"
Insert: "within 200 feet of"

~~DO PASS~~

CONTINUED

HOUSE BILL 336 page 2

4. Page 2, line 16.

Following: "place"

Insert: "is obstruction within the meaning of this subsection"

AND, AS SO AMENDED,
BE CONCURRED IN

HOUSE BILL NO. 336

INTRODUCED BY KANDUCH, D. BROWN,
MANUEL, DAILY, SEIFERT, PAVLOVICH, CONROY

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT
SOLICITATION WITHIN OR AT THE ENTRY OF ANY POLLING PLACE;
AMENDING SECTION 13-35-218, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-35-218, MCA, is amended to read:

"13-35-218. Coercion or undue influence of voters. (1)

No person, directly or indirectly, by himself or any other
person in his behalf, in order to induce or compel a person
to vote or refrain from voting for any candidate, the ticket
of any political party, or any ballot issue before the
people, may:

(a) use or threaten to use any force, coercion,
violence, restraint, or undue influence against any person;
or

(b) inflict or threaten to inflict, by himself or any
other person, any temporal or spiritual injury, damage,
harm, or loss upon or against any person.

(2) No person who is a minister, preacher, priest, or
other church officer or who is an officer of any corporation
or organization, religious or otherwise, may, other than by

public speech or print, urge, persuade, or command any voter
to vote or refrain from voting for or against any candidate,
political party ticket, or ballot issue submitted to the
people because of his religious duty or the interest of any
corporation, church, or other organization.

(3) No person may, by abduction, duress, or any
fraudulent contrivance, impede or prevent the free exercise
of the franchise by any voter at any election or thereby
compel, induce, or prevail upon any elector to give or to
refrain from giving his vote at any election.

(4) No person may, in any manner, interfere with a
voter lawfully exercising his right to vote at an election
so as to prevent the election from being fairly held and
lawfully conducted.

(5) No person may obstruct the doors or entries of any
polling place ~~or engage in any solicitation.~~ SOLICITATION of
signatures for ballot issues OR FOR ANY OTHER PURPOSE within
ANY POLLING PLACE or at WITHIN 200 FEET OF the entry of any
polling place IS OBSTRUCTION WITHIN THE MEANING OF THIS
SUBSECTION."

-End-

.....April 10,..... 19 81.....

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 336

(Report No. 1, April 10, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 336, met April 10, 1981, and considered:

Senate State Administration Committee Amendments to the third reading copy, dated March 25, 1981, and recommend as follows:

That the House accede to Committee amendment No. 1;

That the Senate recede from Committee amendments No. 2 through No. 4;

That House Bill No. 336 be further amended as specified in the CLERICAL INSTRUCTIONS Nos. 1 and 2.

That the reference copy of House Bill No. 336 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Conference Report to House Bill No. 336 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 2, line 15.

Following: "person"

Insert: "on election day"

2. Page 2, line 16.

Following: "~~solicitation~~"

Strike: the remainder of subsection (5).

Insert: "or engages in any solicitation of a voter within the room where votes are being cast or elsewhere in any manner which in any way interferes with the election process or obstructs the access of voters to or from the polling place"

FOR THE HOUSE:

R. L. Anderson
Anderson, Chairman

Harner S. Bertelsen
Bertelsen

Jack F. Kanduch
Kanduch

FOR THE SENATE:

Jack Galt
Galt, Chairman

Steve Brown
Brown

Ed Story
Story

HOUSE BILL NO. 336

INTRODUCED BY KANDUCH, D. BROWN,
MANUEL, DAILY, SEIFERT, PAVLOVICH, CONROY

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT
SOLICITATION WITHIN OR AT THE ENTRY OF ANY POLLING PLACE;
AMENDING SECTION 13-35-218, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-35-218, MCA, is amended to read:

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No person, directly or indirectly, by himself or any other person in his behalf, in order to induce or compel a person to vote or refrain from voting for any candidate, the ticket of any political party, or any ballot issue before the people, may:

(a) use or threaten to use any force, coercion, violence, restraint, or undue influence against any person; or

(b) inflict or threaten to inflict, by himself or any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person.

(2) No person who is a minister, preacher, priest, or other church officer or who is an officer of any corporation or organization, religious or otherwise, may, other than by

public speech or print, urge, persuade, or command any voter to vote or refrain from voting for or against any candidate, political party ticket, or ballot issue submitted to the people because of his religious duty or the interest of any corporation, church, or other organization.

(3) No person may, by abduction, duress, or any fraudulent contrivance, impede or prevent the free exercise of the franchise by any voter at any election or thereby compel, induce, or prevail upon any elector to give or to refrain from giving his vote at any election.

(4) No person may, in any manner, interfere with a voter lawfully exercising his right to vote at an election so as to prevent the election from being fairly held and lawfully conducted.

(5) No person ON ELECTION DAY may obstruct the doors or entries of any polling place ~~or engage in any solicitation or engage in any solicitation of signatures for ballot issues or for any other purpose within any polling place or at or at within 200 feet of the entry of any polling place is obstruction within the meaning of this subsection~~ OR ENGAGE IN ANY SOLICITATION OF A VOTER WITHIN THE ROOM WHERE VOTES ARE BEING CAST OR ELSEWHERE IN ANY MANNER WHICH IN ANY WAY INTERFERES WITH THE ELECTION PROCESS OR OBSTRUCTS THE ACCESS OF VOTERS TO OR FROM THE POLLING PLACE."

-2-
End-

HB 336
REFERENCE BILL: Includes Free
Conference Committee Report
Dated 7-10-81

March 25, 1981

SENATE STANDING COMMITTEE REPORT
(State Administration)

That House Bill No. 336 be amended as follows:

Page 2, line 13.

Following: "conducted."

Insert: "(5)"

Page 2, line 14.

Following: "place"

Strike: "or engage in any solicitation"

Insert: ". Solicitation"

Page 2, line 15.

Following: "issues"

Insert: "or for any other purpose"

Following: "within"

Insert: "any polling place"

Following: "or"

Strike: "at"

Insert: "within 200 feet of"

Page 2, line 16.

Following: "place"

Insert: "is obstruction within the meaning of this subsection"